

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
SEPTEMBER 1, 2005
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

Revision made to Item # 6A on September 29, 2005

CHRONOLOGY OF THE MEETING:

Vice-Chairperson Garcia called the meeting to order at 9:05 a.m. Chairperson Schultz adjourned the meeting at 11:00 a.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia-present
Commissioner Carolyn Chase-present
Commissioner Robert Griswold-present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji-present
Commissioner Mark Steele- not present
Mary Wright, Planning Department-present
Marcela Escobar-Eck, Development Services-present
Doug Humphreys, City Attorney-present
Sabrina Curtin, Recorder-present

ITEM 1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:**
 Kevin Hawk spoke to the issues regarding the Public Convenience or Necessity Determination.

Jim Varnadore discussed the City’s process and the legality of the Commission’s action taken at meetings.

ITEM 2: **REQUESTS FOR CONTINUANCE:**
 Staff requested a continuance for Item No. 7 to September 29, 2005, and Item No. 8 to September 15, 2005.

Commissioner Chase requests a continuance on Item No. 6; a report on the background of Public Convenience and Necessity from the City Attorney’s office was not available. No Second.

ITEM 3: **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**
 Item No. 9 was placed on the consent agenda.

ITEM 4: **DIRECTOR’S REPORT:**
 Marcela spoke of her departure, September 4, 2005, from the Development Services Department for the City of Carlsbad.

ITEM -5: **COMMISSION COMMENT:**
 Commissioners spoke of the departure of Marcela Escobar-Eck and wished her well.

ITEM-6A: **SUPPLEMENTAL ITEM.**
Continued from July 28, 2005 and August 25, 2005
Appeal of the Hearing Officer’s Decision

Revised

COLLEGE ARCO – PROJECT NO. 69427
 Patrick Hooper presented an update on the status of the project since it was last heard on August 25, 2005.

Public testimony was not taken. Closed from previous hearings held on July 28, 2005 and August 25, 2005

COMMISSION ACTION:

Motion by Griswold to deny the appeal and approve the permit with the additional conditions agreed upon with staff as presented; additional condition, restriction of alcohol sales on Thursday through Sunday to 10:00 p.m.

No second.

Motion by Griswold to deny the appeal and approve the permit with the additional conditions agreed upon with staff as presented.

Before a second was requested. The City Attorney, on the action requested of the Commission in regards to the appeal, gave clarification.

Motion by Griswold to approve the appeal and approve the Conditional Use Permit No. 69427; additional condition, restriction of alcohol sales on Thursday through Sunday to 10:00p.m. Second by Chase.

Prior to a vote, the City Attorney asked the applicant to state his opinion on the new conditions presented. Disagreeing with the new conditions, the applicant ~~present~~ presented a condition of alcohol sales to be restricted to 9:00a.m. to 10p.m.; seven days a week.

After a brief discussion, Commissioner Griswold asked to ~~withdrawn~~ withdraw the motion and replace with a modified motion.

MOTION BY GRISWOLD TO APPROVE THE APPEAL AND APPROVE THE CONDITIONAL USE PERMIT NO. 69427; WITH THE CONDITION OF ALCOHOL SALES BE RESTRICTED FROM 9:00A.M. TO 10P.M., SEVEN DAYS A WEEK; WITH THE ADDITIONAL CONDITIONS THAT WERE AGREED UPON WITH STAFF PRIOR TO THE HEARING. Second by Otsuji. Passed by a 4-2 vote with Commissioners Steele and Chase voting nay and Vice-Chairperson Garcia recusing. Resolution No. 3837-PC

Continued from August 4, 2005

ITEM 6:

Appeal of Hearing Officer Decision

FLAMING SKEWER – PROJECT NO. 59038

Bill Tripp gave a brief update on the project since it was last heard on August 4, 2005.

Testimony in favor by Yusuf Arnitah.

Testimony in opposition by Leo Wilson and Warren Simon.

COMMISSION ACTION:

MOTION BY CHASE TO DENY THE APPEAL AND AFFIRM THE HEARING OFFICER'S DECISION. Second by Steele. Passed by a 6-0 vote with Chairperson Schultz not present.

ITEM 7: **GASLAMP QUARTER PLANNED DISTRICT ORDINANCE AND DESIGN GUIDELINES REVISIONS.**

COMMISSION ACTION:

MOTION BY GRISWOLD TO CONTINUE TO SEPTEMBER 29, 2005 AT THE REQUEST OF STAFF. Second by Steele. Passed by a 5-1 vote with Commissioner Chase voting nay and Chairperson Schultz not present.

ITEM 8: **TERRAZZO BOUGAINVILLEA – PROJECT NO. 6023**

COMMISSION ACTION:

MOTION BY GRISWOLD TO CONTINUE TO SEPTEMBER 15, 2005 AT THE REQUEST OF STAFF. Second by Steele. Passed by a 5-1 vote with Commissioner Chase voting nay and Chairperson Schultz not present.

ITEM 9: **3564 43RD STREET – PROJECT NO. 58760**

COMMISSION ACTION:

CONSENT MOTION BY GRISWOLD TO APPROVE STAFF'S RECOMMENDATION AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-260. Second by Garcia. Passed by a 6-0 vote with Commissioner Chase not present. Resolution No. 3839-PC

Chairperson Schultz adjourned the Planning Commission meeting at 11:00 a.m.